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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/762,956	02/15/2001	Juha Kolmonen	PM276563	1383

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EXAMINER

YUN, EUGENE

ART UNIT	PAPER NUMBER
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2682

DATE MAILED: 01/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/762,956	Applicant(s) KOLMONEN, JUHA	
	Examiner Eugene Yun	Art Unit 2682	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,5-13 and 16-23 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1,2,5-13 and 16-23 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 February 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2, 5-13, and 16-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bruhn (US 6,347,081) in view of Komaili et al. (US 2003/0002446).

Referring to Claim 1, Bruhn teaches a transmission method used in a radio system comprising a base transceiver station acting as a transceiver and subscriber terminals acting as transceivers (see fig. 1 where it is known in the art that any system operating in the GSM standard includes a base station transceiver and subscriber terminals acting as transceivers) which are connected to each other by means of a signal propagating through the base transceiver station, which signal contains speech or data which is coded before it is transmitted to the radio path and decoded when it is received from the radio path (see col. 2, lines 30-40), and in which radio system the signal establishing the connection is transmitted in a radio channel formed for each connection (see col. 3, lines 35-42), the method comprising:

Measuring the radio channel (see col. 5, lines 20-29); transmitting a control signal on the basis of the measurement results from a transceiver in DTX mode (see col. 5, lines 50-60) to a transceiver with which the transceiver in DTX mode has formed the radio channel (see col. 6, lines 53-65); transmitting the control signal at a power

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level which is lower than the power level used in transmitting speech or data signals (see col. 5, lines 38-40), and

Updating with the received control signals the operating parameters of the transceiver forming the radio channel to the transceiver in DTX mode (see col. 6, lines 24-29).

Bruhn does not teach that when the coding rate of the speech coder increases, the coding rate of the channel coder decreases, and when the coding rate of the speech coder decreases, the coding rate of the channel coder increases. Komaili teaches that when the coding rate of the speech coder increases, the coding rate of the channel coder decreases, and when the coding rate of the speech coder decreases, the coding rate of the channel coder increases (see paragraph [0012]). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of Komaili to said device of Bruhn in order to be able to communicate on the channel having the best possible speech quality.

Claim 12 has similar limitations to Claim 1.

Referring to Claims 2 and 13, Bruhn also teaches coding and decoding parameters which affect the coding and decoding rate of the transceiver (see col. 3, lines 44-50).

Referring to Claims 5 and 16, Bruhn also teaches the control data of the coding of the signal transmitted to the radio path and the control data of the decoding of the signal received from the radio path are updated, whereby the adaptation rate of coding and decoding can be altered (see col. 7, lines 56-60).

Referring to Claims 6 and 17, Bruhn also teaches filter frames transmitted during DTX, from which the status of the radio channel is measured, and when transmitting the filler frames, the transceiver in DTX mode is prevented from sending a control signal (see col. 5, lines 55-60).

Referring to Claims 7 and 18, Bruhn also teaches the coding and decoding done with an AMR codec whose adaptation to the signal being coded or decoded is controlled with control signals (see col. 2, lines 4-7).

Referring to Claims 8 and 19, Bruhn also teaches that during DTX, SID frames and L2 filler frames are transmitted at the same power level as speech and data signals, and the status of the radio channel is measured from the SID frames and L2 filler frames (see col. 3, lines 66-67 and col. 4, lines 1-9).

Referring to Claim 9, Bruhn also teaches that during DTX, a signal is transmitted, from which the status of the radio channel is measured, and status data of the radio channel is transmitted in a control signal on the basis of the measurement results obtained from the measuring (see col. 4, lines 57-61).

Referring to Claims 10 and 20, Bruhn also teaches that during DTX, signals are transmitted, from which the radio channel is measured, and between the signals used for measuring, a control signal is transmitted in a continuous manner (see col. 2, lines 23-30).

Referring to Claims 11 and 21, Bruhn also teaches that during DTX, signals are transmitted, from which the radio channel is measured, and between the signals used

for measuring, a control signal is transmitted in a discontinuous manner (see col. 2, lines 23-30).

Referring to Claim 22, Bruhn also teaches that the transceiver in DTX mode is a base transceiver station which transmits a control signal to a transceiver which is a subscriber terminal (see col. 2, lines 23-35).

Referring to Claim 23, Bruhn also teaches that the transceiver in DTX mode is a subscriber terminal which transmits a control signal to a transceiver which is a base transceiver station (see col. 2, lines 23-35).

Response to Arguments

3. Applicant's arguments with respect to claims 1, 2, 5-13, and 16-23 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the


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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eugene Yun whose telephone number is (703) 305-2689. The examiner can normally be reached on 8:30am-5:30pm Alt. Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on (703) 308-6739. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Eugene Yun
Examiner
Art Unit 2682

EY


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